

WOMEN IN THE FAMINE AREA.

THE
WOMAN'S LEADER

IN POLITICS IN INDUSTRY IN LOCAL GOVERNMENT
IN THE HOME IN LITERATURE AND ART IN THE PROFESSIONS

AND

THE COMMON CAUSE

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Contents :

	PAGE		PAGE
MARRIED v. SINGLE	59	A GUIDE TO THE USUAL METHOD OF PROCEDURE FOR JURIES IN SCOTLAND	61
NEWS FROM WESTMINSTER	59	CORRESPONDENCE AND REPORTS	63
WOMEN IN THE FAMINE AREA. By Evelyn Sharp	60		

NOTES AND NEWS

Women Police.

In answer to a question of Lady Astor's in the House last week, Mr. Shortt said that the disbandment of the Metropolitan police women patrols had been decided on; their engagements were terminable at any time by one month's notice, and no question of compensation arose. Further questions elicited the fact that the statement made some days ago in the House that the women were not entitled to pensions has been challenged by legal authority and a decision of the Courts is now awaited. Mr. Briant asked why the Irish Constabulary, with less than a year's service, are to receive pensions, while these women, with longer service, are not to, and Captain Wedgwood Benn was answered with an emphatic denial when he suggested that the police women on their engagement understood that their terms were to be comparable to the engagement of ordinary men constables! It seems hopeless to expect justice out of a blue sky; but the sky is not blue just now. And what about the Sex Disqualification (Removal) Act?

A Last Effort.

Later on in the Vote on Supply Major Barnett again raised the question of women police. He reminded Members that the Home Office had not given effect to the Report of the Committee on Police Duties, which urged very strongly that the women should form an integral part of the police force. Had this been done the Geddes Committee could never have questioned their utility. As it was, a large amount of work done by the women police would have to be done by other women, so that the economy suggested by doing away with the women police will only be a partial economy. Mrs. Wintringham asked for an opportunity for a more lengthy discussion before a final decision is taken, but Sir John Rees got in his usual protest against "this fantastic and expensive piece of feminism". The matter is to be raised again on the Consolidated Fund Bill on Thursday, March 30th, and on that date the matter must be finally settled in the right direction.

The Russian Famine Children.

Our readers will remember that some weeks ago we drew their attention to the fact that the Home Office was hesitating about giving permission to a party of Russian children from the

famine area to enter England. Hospitality had been planned for them by the Christian International Movement and the Governments of Finland, Norway, and Sweden were helping with the transport of the children through their respective countries, so that the charitable funds here should last as long as possible. In spite of pressure from various quarters, and in spite of the agreed-upon precautions to protect this country from any danger of disease, the Home Office, after four months of indecision, has given its final verdict and refuses to allow the children to enter England in any circumstances. France, however, has surpassed us in generosity, and fifty Russian orphans have already arrived and are being placed in the care of French peasants. Another convoy of fifty is waiting at Reval, and it is only a question of days before they, too, leave their horror-stricken country for kinder shores. After America's generosity comes that of France, and, once again, we, as a nation, have failed.

An S.O.S. to America.

Sir Benjamin Robertson said last week that "in the area administered by the American Relief Administration a certain number of adults are being fed. In the area of the British Relief organizations they are being left to die. It would be inhuman, it is impossible, it is not fair that these people should be left to die, and I have therefore appealed to Mr. Hoover to allow his administration to feed some of the adults in the British area." We should be too proud to have to appeal to another nation because our own Government will not act. It is a humiliation to each one of us. The American Relief Administration has, too, just undertaken to feed another million children, so that when the scheme is in full working order America will be feeding eight million adults and children. On the other hand, after the debate in the House on Friday, our Government promised a grant of £100,000 for the relief of the famine. It is a pitifully inadequate sum, and not all Mr. Chamberlain's recitation of money spent in relief of foreign nations since the war can hide its inadequacy from our eyes.

The Workers of Europe.

The International Federation of Trade Unions, whose headquarters are in Amsterdam, has issued an appeal to the workers of Europe to send help to the Russian workers and peasants,

dying of starvation. One million two hundred thousand kilos of foodstuffs, sent in response to a former appeal, have been distributed amongst 40,000 children in the Chuvash territory. An interesting statement is published showing the amount of money sent by the different European countries, each in their own currency, and also reduced to the common denominator of Dutch currency at the rate of exchange of January 15th, 1922. Exchange rates may account for much, but the following comparisons are interesting: Italy leads with 390,000 Dutch florins, Czecho-Slovakia next with 241,558, France with 143,278, Sweden with 97,825, and Great Britain with 90,153.

The British Legion.

In many ways the British Legion is a magnificent organization, but its attitude towards women still leaves much to be desired, both as to the terms on which ex-Service women are admitted, and as to the policy with regard to the Civil Service. After all that has been done, and the amazing generosity of the women turned out of their war work to make room for returned soldiers, it is discouraging to find the Legion issuing a statement like the following: "Allowance is made for the evolution in the position of women during recent years, but it is felt that where women have acceded to positions entirely owing to the absence of men on war service their positions should be vacated by them in consequence of the men's return." In so far as every individual case goes, this has long since been done in the Civil Service, and we fully agree that it is right. But we cannot agree that because it was only during the war that women had the chance to prove that they could do higher grade work, therefore all higher grade work for the future is still to be forbidden them. The circular goes on: "The true proportion might be obtained by reference to statistics quoting the relative numbers of men and women employed in Government service in the last return before the outbreak of war." This is a return to the pre-war mind with a vengeance, and it is unworthy of so great an organization as the British Legion.

Women and Hospital Management.

Our readers will remember the action of the Lady Mayoress of Manchester some months ago in connexion with the St. Mary's Hospital. She declined an invitation to take part in the hospital's Christmas festivities as a protest against the fact that women were excluded from the management. Her firm action seems to be having the desired result, for at the annual meeting last week Sir Frank Forbes Adam said that the matter had been considered by the board, and that the principle of the inclusion of women had been accepted. Before very long they would have two ladies on the board. Our congratulations to Mrs. Simon!

Nursing in Mental Hospitals.

The Board of Control has appointed a committee to consider the nursing service in county and borough mental hospitals, and in what directions it can be improved. The committee consists of Dr. C. Hubert Bond, C.B.E., F.R.C.P., a Commissioner of the Board of Control, Dame Louise Gilbert Samuel, D.B.E., Mrs. How-Martyn, E. A. Medus, Esq., Dr. H. Wolsley-Lewis, F.R.C.S., and Dr. G. F. Barham. The third and fourth names on the list are chairmen of County Mental Hospital Visiting Committees, and the two latter are medical superintendents of County Mental Hospitals. The name of a matron is to be added. Sir Alfred Mond received a deputation from the National Council for Lunacy Reform last week, which urged strongly that a Royal Commission should be appointed to inquire into every detail of the present lunacy administration and to propose alterations in treatment, and such legislative amendments as may be needed to bring about a right method of dealing with mental cases. Sir Alfred Mond replied that he realized the urgent need for reform, and said that he was about to introduce a Bill which would meet some of the points advanced by the Council. There is still, apparently, no promise of appointing the Royal Commission.

The Child Murder Bill.

The Child Murder (Trial) Bill was read a second time last week, and committed to a Standing Committee. Our readers will remember that this Bill proposes that in cases where a woman is charged with the murder of her infant child, and where at the trial evidence is given that at the time the offence was committed the woman had not fully recovered from the effect of giving birth to the child, the jury may acquit the prisoner of the charge of murder and convict her of manslaughter.

Poor Persons' Divorce Rules.

The Supreme Court proposes to make new poor persons' rules which will increase the facilities for poor women in the Divorce Court. Under the old rules a wife could not be admitted as a poor person in a matrimonial cause if the combined income of herself and her husband exceeded £4 a week, notwithstanding the fact that they were living apart. The wife, moreover, could not proceed unless she were in a position to deposit £5 in court; under the proposed new rules it will be possible for a "poor person" wife to obtain the benefits of the rules if her own income is less than £4 a week, and the fact that she is unable to deposit £5 in court for expenses need not be a bar to her, as it will be possible to obtain an order for her husband to pay the deposit for her.

P.R.

In answer to a question of Captain Wedgwood Benn's in the House last week, Sir Alfred Mond stated that he had, on his own initiative, had a report on various methods of electoral reform prepared for the information of the Government.

The Borstal System and Portland Prison.

In the course of a recent discussion on the suitability of Portland Prison as a Borstal Institution, Lady Astor suggested that the real trouble at Portland was that the warders now dealing with Borstal prisoners have all their lives been accustomed to deal with criminals—a very different system from the Borstal system. It is probably quite impossible for warders who have always dealt with criminals to apply the Borstal system; but this view of the case had obviously not struck Mr. Shortt before.

Rose Sidgwick Memorial Fellowship.

The Rose Sidgwick Memorial Fellowship, enabling a British woman graduate to study for a year in an American University, has been awarded for the academic year 1922-3 to Miss U. M. Ellis-Fermor, lecturer in English Literature at Bedford College for Women. The Fellowship was established by the University Women of the United States in memory of the distinguished scholar, Rose Sidgwick, who visited the American Universities as a member of the British Educational Mission in 1918. It is administered by the American Association of University Women, the annual election of the Fellow being performed by a Committee of the British Federation of University Women.

Married Women's Status in America.

Postmaster-General Hays recently announced that women postal workers in America will no longer suffer a change of status, or lose any rights in the service by marriage. Up till now, Mr. Hays said, "when an unmarried woman holding the position of Postmaster married she was obliged to obtain a new appointment, execute a new bond, or pass the required civil service examination in competition with other candidates seeking the office if she had not previously taken such an examination. Under the new ruling, a woman postmaster will continue to hold the office without a reappointment or other examination."

Women Prisoners' Cells.

Mr. W. Thorne asked the Home Secretary in the House recently whether, in view of the death of Maud Moore in the cells at West Ham Police Court, and the subsequent attempted suicide of Margaret Swain in the West Hampstead Police Court, he would grant permission to women J.P.s in London to inspect the cells attached to the Metropolitan Police Courts and to inquire into the conditions under which women are detained there. Sir J. Baird replied that both these women were detained in cells at police stations and not police courts. In each case the facts were fully investigated by the Coroner, and no blame whatever attached to the police, nor was any fault found with the conditions of detention. As regards cells in which female prisoners are detained, the Home Secretary is prepared to consider any application that may be made for permission to inspect them by women who are interested in such matters, whether they are justices or not.

POLICY.—The sole policy of THE WOMAN'S LEADER is to advocate a real equality of liberties, status and opportunities between men and women. So far as space permits, however, it will offer an impartial platform for topics not directly included in the objects of the women's movement, but of special interest to women. Articles on these subjects will always be signed, at least by initials or a pseudonym, and for the opinions expressed in them the Editor accepts no responsibility.

MARRIED v. SINGLE.

There is no doubt about it, the married state is one which is penalized by law, especially for women. Even the so-called privileges—legal immunities which belong to the married woman under our present system, are really part of the penalization, for they derive from the notion that as soon as a woman has a husband she ceases to be an individual, and becomes instead a part of his property.

The National Union of Societies for Equal Citizenship has in preparation a Bill to clear up the present ridiculous state of affairs, and to sweep away alike the legal privileges and the legal disabilities of the married women, and it is high time that this was done. Modern sentiment has long passed beyond the point at which the customs covered by the law of Coverture were tolerable, and no decent woman of to-day likes to think that she is not held to be responsible for her own actions or the conduct of her own life. Mrs. Peel escaped punishment because a married woman cannot in the eyes of the law commit certain crimes in the actual physical presence of her husband without the presumption that he coerced her, and that the blame was his, and this case has given much notoriety to the legal immunities of married women. They are most distasteful immunities, and we do not want them. But they are not so numerous as our disabilities—and we do not want these either.

Besides the immunity from punishment for our own evil deeds (which, by the way, extends only to thefts and lesser crimes, and certain parts of the law of libel, and does not cover treason, murder, or the keeping of brothels or gaming tables), married women have only one other noticeable immunity, and that is in regard to their debts. The law of property for women is complex and confusing in the extreme, and the upshot of it is that a married woman can in many cases slip out of her obligations and can in no case be imprisoned for debt. She does not become liable for her husband's debts, nor is she even obliged to pay her own with his money if she inherits; and there are a multitude of legal complexities of which she can make use if she wishes, even on a humble scale, to rival the career of Mr. Bevan.

Besides these unjust immunities, married women have another privilege which they possess over their unmarried sisters, and over the whole race of men, and that is the legal assumption that they are to be supported by their husbands. This obligation only extends while both live; when the husband dies he need leave no provision for his wife's support thereafter; but while he lives he is supposed to feed and clothe her up to the maximum of 40s. a week.

Now, we do not say that this legal obligation is wrong; a married woman normally gives a good deal more work to the household than can be rewarded by board and lodging, but, nevertheless, there are many very unsatisfactory aspects of this privilege, of which not the least is that it is extremely difficult to enforce in those very cases where there is any difficulty about it. This privilege, or right, or whatever it is, will need a lot of careful scrutiny when the Bill to adjust the position comes forward; for women do not want to "have it both ways" in the least, and their concern of equality is as real when it operates against as when it operates for them.

Against these privileges must be set those disabilities which our readers are so familiar: the loss of nationality rights, the loss of separate income tax assessment, the loss of opportunities of getting employment, and, most important of all, the loss of rights in and control over their children. These are serious matters, of much more far-reaching importance than the privileges, and any Bill which adjusts the one must adjust the other also. We have not often been in a position to do any bargaining. We are hardly in such a position now. But, at any rate, we can see to it that before we give away the very unacceptable and unwelcome privileges which remain to us as the heritage from our ancient customs, we shall make sure of getting rid of those equally unwelcome and unacceptable points which are still in full blast in our modern State.

NEWS FROM WESTMINSTER.

By OUR PARLIAMENTARY CORRESPONDENT.

The Press of this country has been running like a pack of hounds upon a false scent, and barking, as our American friends would say, up the wrong tree. The *Times* and our other weighty contemporaries, see dissolution every daybreak, election every evening, and a new Government every nightfall. We, however, remain of the same opinion. Alone among the prophets we do not expect Mr. Lloyd George to resign; we think he will last out the greater part, at any rate, of the eighteen months still left to this Parliament, and that he will not go to the country without an electoral reshuffle. The four main reasons we gave last week still hold good, Genoa being still important. It is the fashion to belittle this coming conference, but it is nevertheless quite possible that it may be as important as the times demand; and if it were that, it would be important indeed.

As to elections and their methods, Proportional Representation in any shape or form, is, for some reason, vehemently disliked by the Conservatives. If Mr. Lloyd George begins to look around him to find a new world with which to redress the balance of the old, his eyes may fall upon the young women. Stranger things have happened. Whatever the future may hold, the past has been interesting. The outstanding events of last week were the Unionist Party meetings in the House, which considerably cleared the air and revealed the firm determination of the Unionist M.P.s to stick together at all costs. They were neither pro nor anti-Coalition, nor Die Hard, but they were very definitely united—though for what purpose no one yet sees clearly enough to prophecy.

The other main topic of the week was the end of the Montagu-Curzon affair. Mr. Montagu's speech in the House was a good one, and opinion is not so hostile to him as it was before. According to his lights, he has acted, and he has shown courage and devotion in a cause which many think a very bad one, and some admire. When all is said, however, it must be admitted that he remains an unpopular and isolated figure in the House of Commons. Lord Derby, as we expected, refused to take his job, and it was not offered to the Duke of Devonshire. Lord Peel is probably as good a successor as could at the moment be found.

The debates of the week have been on a high level. Tuesday, the 14th, was occupied with Egypt, and revealed the Government in a mood of sincerity, and committed to a policy which is probably as good a one as either of the peoples concerned will tolerate. The best speeches were made by Lord Eustace Percy and Mr. Ormsby Gore.

On Wednesday the Army Estimates were discussed, and the opening statement of the Secretary of State for War was not distinguished. The House, however, listened with deep attention to the maiden speech of Field-Marshal Sir Henry Wilson—a man who, unlike so many of his colleagues, has been little known to politicians. He took a view of armaments and of peace which is not shared by a large section of the House, or by a still larger section of the country; but his speech was deeply interesting, and was marked by clarity of thought and power of expression.

On Thursday it was the turn of the Navy. The chief point of interest then was the announcement by Mr. Chamberlain of the refusal of the Government to re-divide the Air Force into Naval and Military sections, which is combined with their refusal, as yet, to move towards a unified Ministry of Defence. Opinion seems to be working in this direction, and perhaps the Committee of Imperial Defence may have further developments.

On Friday there was an inconclusive and unsatisfactory discussion on the Russian famine. There is no lack of sympathy in the House, but most of the Members seem to see very clearly the economic difficulty of giving an adequate grant while our own condition is bad. Among a welter of conflicting opinions, however, Mr. Chamberlain satisfied nobody. The grant of £100,000 in goods is obviously wholly inadequate for such a big purpose, and yet it is too large a sum to be spent in vain. A bolder course would have been more admired, even if more vituperated; and this is to treat the matter as one of tactics alone.

Monday's debate on the Engineering lockout requires more space and more information than we have at our disposal; but it is very easy to see that it is a bad business all round, and not as yet competently handled.

[The views expressed in this column are those of our Parliamentary correspondent, and are not our editorial opinion. Like so many other things in this paper they are expressly controversial, and comment upon them will be welcomed.—ED.]

WOMEN IN THE FAMINE AREA.

By EVELYN SHARP.

I.

In the night I thought I heard a woman wailing under my window. That is so common a sound in Buzuluk by day or night that one can even hear it sometimes when it isn't there. It is so common that if one's mission is to save—not merely prolong—however limited a number of lives, one has to deny one's self the comfort of giving occasional doles of food, because this would only lengthen by a few hours the lives (and incidentally the sufferings) of those who are too far gone to be saved. It is, in fact, so common a sound as to teach one, as nothing else can, that the worst experience of the relief worker is the discovery that relief cannot relieve every one, and that, in order to succeed in saving some it must abstain from merely relieving others.

So it would have served no useful, or humane, purpose to find out if it was really a woman crying under my window in the night, or only the echo of those hundreds I had heard crying by day. But in the morning, when I came down to breakfast, some one said: "There is a woman lying dead at the corner of the street."

Later, I had to pass the place where she lay on her back in the snow, her face upturned to the sun and blue sky she would never see again. Already her head-covering, her sheepskin coat, her felt boots had been removed—for the tragic want of clothes in the famine area does not spare the unknown dead this last indignity—and so it was possible to see that her hair was unflecked with grey, that she must have been quite a young woman. But her face was lined and drawn; her skin was like parchment; her arms and legs were four bones covered with yellow wrinkled skin. They were the face and frame of an old, old woman.

No one could say who she was. The townspeople of Buzuluk itself do not die in the streets like this. Even if there had been folks in the town who knew her once in her native village, they would not have recognized her now. Probably she had wandered in from some hamlet where dying by inches in a house destitute of food had become suddenly intolerable; probably she had brought a child with her to be abandoned on the steps of some home. She may have been one of those despairing mothers, who wrote to a relief worker in the Volga Valley: "We implore the people of the whole world to take our children from us, that they who are innocent may not share our horrible fate. . . . Even at the cost of a voluntary and eternal separation we long to repair the wrong we have committed in giving them a life which is worse than death."

No one could say who she was. Presently, they would come and put her, just as she lay, on a sledge, and drag it by hand to the cemetery, and add one more to the great pile of nameless dead, lying there stripped of half their clothing, waiting to be buried. I do not know why, out of all the hundreds I saw dead and dying in Samara, this one poor creature should stand out in my memory, for I do not really think it was her cry I thought I heard in the night. But where it is possible to remain unmoved before the sight of dead who are innumerable, it is sometimes impossible not to respond to the human appeal made by one starved man or woman who will never cry, either by night or day, again. For the worst of relief is that it cannot relieve every one.

II.

In Alexievky, a *volost* village, whose population has been reduced by the famine from 8,000 to 3,680 (it will be smaller by the time these words appear), you do not see the crude horrors of the famine as in Buzuluk, where starving people flock in from the surrounding district and die in the streets. In Alexievky the people die in their own houses, and their bodies are sewn up in sacks and put into the shed outside, or into the windmill that is fast filling with corpses, or into one of the empty houses set apart for the purpose. It is situated in the worst part of the Buzuluk district of Samara, and that is considered

by experts to be the worst part of the whole famine area. So I could not help feeling surprised when, after a three days' trek across the snow-covered steppe in a sledge drawn by a camel, I reached this outpost of the Friends' Relief organization, and found children laughing and playing in the street, a sight I had not seen since I left Moscow.

The explanation was not far to seek. Just because this was the blackest spot in the famine area, it had been concentrated upon both by the Russian Government and the Quakers, and between them they were managing to provide daily meals for 100 per cent of the children. A considerable proportion, also, of the 60,000 adults now being fed in this area by the Friends' Relief Mission are resident in and around Alexievky. So even the schools had been in some cases reopened there, and some appearance of normal life restored. But all this could not conceal the emaciated looks of the men and women who followed us about the streets whenever we appeared, begging us in anguished tones to extend the food rations to them also; and we had only to go inside the houses to find others who were too far gone to leave home, and were simply wasting away for want of food.

There was one family I remember particularly, called Gogoliev. On the top of the stove in their neat cottage crouched four boys, their little sticks of arms and legs and their swollen unnatural cheeks pointing to the months of starvation during which they had tried to live on bread made of earth or grass, before relief came. The eldest boy lay exhausted and panting for breath, and we learned that he had just returned from fetching a pail of water from the well. In the bed lay a moaning woman, an expectant mother. She told us she had recently been receiving the Quaker *pyok* (ration); we wondered if it had not been given in her case too late to save her and the little life she was struggling to bring into the world.

In another cottage we found a peasant and his wife, by name Shalovki Prakovski, and two little girls, the latter, as usual, sitting motionless on the stove, peering down at us with the wan and wasted faces of little monkeys. The elder, a mite of four years old, had the distended stomach that comes from trying to assimilate the hideous food substitutes with which the famine victims seek to assuage the agonized pangs of hunger, though they must know that death, not life, lurks in such temporary palliatives. Two older boys and a baby had died here before the children were placed on the relief list; the parents were receiving no help at all. The only food in the cottage consisted of a wooden bowl of pounded camel-grass—the withered thorny stuff that sticks out of the snow all over the steppe—and another bowl of fossilized-looking horses' bones, bartered for in the market, two months ago, with the woman's spare clothes, and reboiled ever since at intervals in the hope of extracting some nourishment from them. For this mother and father one could see no hope of survival unless increased supplies from England should enable the Friends to extend their help, as they long to do, to every adult in the district. Failing this, the two little silent mites on the stove, if indeed for them the food had not come too late, would be added to the orphans who are accumulating all over the famine area. For the Prakovski couple are typical of thousands who are dying to-day, and could yet be saved if relief came.

In the streets of Alexievky one rejoiced to see what relief could do and was doing in saving actual lives, both of children and adults. In the houses one saw what English people at home, misled and misinformed as I know well, can do and are doing every time they withhold the supplies that can yet save the Volga Valley from becoming a charnel house, outside which wander the orphan boys and girls of mothers and fathers who have died of hunger in a world that has enough and to spare.

For let us never forget that the best of relief is that it can save a definite number of lives.

A GUIDE TO THE USUAL METHOD OF PROCEDURE FOR JURIES IN SCOTLAND.

Courts.—There are three Courts in which there is trial by Jury: The High Court of Justiciary sitting in Edinburgh or on Circuit (criminal cases); the Court of Session (civil cases); the Sheriff (criminal, fatal accident inquiries, and employers' liability cases).

Qualifications.—Common Jurors: Property in the county or district £5 a year, or goods, chattels, and personal estate to the amount of £200; Special Jurors: Property in the county or district £100 a year, or taxes on a house £30 a year, or goods, chattels, and personal estate £1,000.

Composition of Juries.—In criminal trials fifteen jurors are balloted—ten common, five special; in civil causes twelve jurors are balloted—eight common, four special; in fatal accident inquiries, and employers' liability seven jurors are balloted, five common, two special.

In criminal trials an Order that the jury shall be composed of men only or women only may be made by the judge at his own instance; or, at his discretion, on an application made by or on behalf of parties, i.e. pursuer or defendant.

If the Order is that all the trials at one diet shall be tried by one sex only, then the Clerk of Court may reduce the List of Assize by striking out the names of those who are not of the sex of which the jury has been directed to be composed.

If the Order does not affect the whole diet, then both men and women are summoned. Their names are put into the glass or box, as usual, but persons whose names are drawn, who are not of the sex required, are passed over and not called upon to serve on that particular jury. The slips containing their names, however, are laid aside and returned to the ballot glass before another jury is balloted for.

This Order is a serious flaw in a law affecting justice, as it imposes the idea that sex is a qualifying factor in jury service, whereas hitherto the qualification for jury service has been citizenship, based on a property qualification.

The summons to serve on a jury is issued at least six days before attendance is required.

Exemptions—in case of Women only.—On the back of the summons instructions are printed to the effect that women may claim special exemptions on medical certification. This need not be formal, but the Clerk of Court must be satisfied that the claim is in good faith.

Application may be made by a woman to be exempted from service, in respect of any case, by reason of the nature of the evidence to be given or of the issues to be tried.

This is an extraordinary provision, as it directly suggests that it would be legitimate for a woman to consider her personal feelings to be of more importance than her duty as a citizen.

In very special circumstances (such as being in a different part of the country where the cost of the journey would be a material burden having regard to the circumstances of the applicant; or urgent call on the applicant for attendance on a sick relative which cannot be otherwise provided for; or the like) application for exemption may be entertained, but it should be made immediately on receipt of the citation. This applies to both men and women.

Challenge.—Before the jury is sworn in, either party has the right to challenge jurors without showing a cause. The challenge is usually taken at the time the particular juror is drawn in the ballot and before he or she enters the jury box.

There may be thus challenged, five in a criminal trial, four in a civil case, and two in civil trial before the Sheriff, other than fatal accident inquiry.

Either party has also the right to challenge any person for reasons satisfactory to the Court.

Procedure, at the Trial.—The persons summoned to the jury have to be in the Court before the hour mentioned in the citation. After the hour the names are called over by the Clerk of Court, and any person absent is liable to be fined a hundred merks (£5 8s. 2d.), for failure to attend when cited for a criminal case, or in other cases not more than £5 or less than £2.

The Clerk then ballots the jury, i.e. draws from a box or urn the names of those who are to compose the jury. As he reads out the names, the persons called step forward to the jury box, and at this stage objection may be taken to any person, as above explained.

After the jury is complete, the oath is administered by the Clerk of Court. The jurors do not repeat the oath after him, but

merely stand up and hold up their right hands (ungloved) while he reads the oath to them.

In civil cases the facts relating to the matter in dispute are explained to the jury by the advocate or law agent appearing for the pursuer. Evidence is then led for the pursuer and his case closes. The defender then explains the nature of his defence to the jury, leads any evidence, and closes his case. The pursuer and defender in successive speeches argue the case to the jury. After they have finished, the judge charges the jury, that is, states to it the facts on which they have to come to a judgment; he also explains the law as far as it applies to the facts. It is not his province to decide the dispute, but merely to indicate the nature of the dispute, the points the jury has to decide, and the rules of law which it ought to apply in coming to a decision.

The procedure in a criminal trial is the same as in a civil case, except that the parties do not address the jury before leading evidence. In fatal accident inquiries the procurator fiscal leads evidence, the sheriff charges the jury, and it returns a verdict (generally formal).

As soon as the judge has finished his summing-up, the jury is directed to retire and consider the verdict.

If the case lasts over lunch time the jurors will lunch together. If the case lasts more than one day the jurors will be allowed to go to their homes for the night, and will return for the next day.

There is one exception to this rule, namely, in the case of a murder trial the jury is not allowed out of the charge of the Court so long as the trial may last, but is lodged at night in a hotel, at the expense of the Crown, and under the charge of officers of the Court.

Verdict.—A Foreman or Chancellor must be elected before the jury proceeds to discuss the case.

In civil cases the jury, if unanimous, may return a verdict immediately after the charge, if not unanimous a verdict cannot be returned within three hours, except with the consent of parties. After three hours a verdict by a majority may be returned.

In criminal cases a verdict by a majority may be returned at any time.

In case of equality of votes the juror who was first balloted has the casting vote.

General.—The main essential on jury service is intelligent listening and courage of opinion. Notes may be made during the trial, and it is advisable to make these when the case is complicated.

Copies of the indictment may be submitted to the jury in complicated cases with consent of all parties and the Court.

When the jurors have been sworn in, there must be no private communication with any person, and they must not leave the Court except under the charge of an officer. Members of the jury should avoid discussing the case until the judge has given his charge.

When jurors are detained overnight on a trial involving a capital charge, interviews may be allowed with relations or friends in the presence of the Clerk of Court. Letters and parcels must be opened by the Clerk, or at least in his presence. In all instances in which jurors are cited for a calendar which includes one or more capital cases provision should be made by those coming from a distance for the contingency of detention overnight.

Should the case relate to a matter which occurred in some place in the neighbourhood all jurors should avoid visiting that place as the effect of doing so might be to destroy the verdict.

If any member of the jury should know anything privately about the accused or prosecutor, it should not be disclosed to the jury or discussed with any member of the jury. Consideration of the case should be based entirely on evidence given in Court, and impressions received in Court.

Jurors may ask questions of the judge or of the witnesses through the judge, but it is rarely done.

It is important that guidance should be taken from the points given in the judge's summing-up. The main purpose of the summing-up is to make thoroughly clear the law applicable to the case, and to give briefly the evidence on both sides, suggesting, if necessary, what the judge considers the proper and reasonable view of the facts.

If there is uncertainty of fact when the jury is considering the verdict, application may be made to the Court through the Clerk.

